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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,855	04/17/2000	Eberhard Moess	2333	5630

7500 04/24/2003  
STRIKER, STRIKER & STENBY  
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Huntington, NY 11743

EXAMINER

YAM, STEPHEN K

ART UNIT	PAPER NUMBER
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2878

DATE MAILED: 04/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/691,855

Applicant(s)

MOESS ET AL.

Examiner

Stephen Yam

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 6, 7 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 10 is/are allowed.
- 6) ☒ Claim(s) 1, 6, 7, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)  
a) ☐ The translation of the foreign language provisional application has been received.

1. ☐ Not certified by the International Bureau (PCT Rule 17.2(a)).

3. ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

6. ☐ Other \_\_\_\_\_

### DETAILED ACTION

This action is in response to Amendments and remarks filed on March 3, 2003. Claims 1, 6, 7, and 10-12 are currently pending.

#### *Claim Objections*

1. Claim 12 is objected to because of the following informalities:

In Claim 12, line 15, "an optical axis" lacks proper antecedent basis, as it is unclear whether the axis is the same as the "optic axis" described in lines 3 and 7.

Appropriate correction is required.

#### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and or use the invention.

In Claim 12, the specific characteristics of the coupling element, in particular the references to "multi-axes" and "high parallelism and phase frequency", are not described in the specification.

Art Unit: 2878

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. US Patent No. 5,912,774.

Yoshida et al. teach an optoelectronic receiver having an optic axis and comprising (see Fig. 5b) a device (1) for taking in optical signals having an optic axis (horizontal), an optical sensor (59) (See Fig. 4) for converting the optical signals into electronic signals when the optical signals fall on a sensitive surface of said optical sensor, a coupling element (lens to the right of (1)) (see Fig. 5B) for alignment of the optic axis of the device for taking in the optical signals on the sensitive surface of the optical sensor, a holder (2) for the device for taking in the optical signals, a retaining device (tabs holding the lens on the right) for the coupling element, and a joint adjusting means (4) for adjusting the holder for the device for taking in the optical signals and the retaining device for the coupling element, the coupling element having an optical axis (horizontal) which extends perpendicular to the optical sensor (see Fig. 4). Yoshida et al. do not teach the retaining device formed as a plate with parallel surfaces, or the coupling element formed as a multi-axes optical coupling element providing a plurality of optical beams having high parallelism and phase frequency focused to the optical sensor. It is design choice to form a retaining device as desired for attaching to a specific system profile, and to use a specific lens

optical arrangement. It would have been obvious to one of ordinary skill in the art at the time the invention was made to construct the retaining device as a plate with parallel surfaces and the coupling element as multi-axes for optical beams having high parallelism and phase frequency in the optoelectronic receiver of Yoshida et al., to provide a resilient and secure support for the coupling element and retain the optical characteristics of incoming light for improved detection.

3. Claims 1, 6, 7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. in view of Toyama US Patent No. 4,614,974.

Regarding Claim 1, Yoshida et al. teach an optoelectronic receiver having an optic axis and comprising (see Fig. 5b) a device (1) for taking in optical signals having an optic axis (horizontal), an optical sensor (59) (See Fig. 4) for converting the optical signals into electronic signals when the optical signals fall on a sensitive surface of said optical sensor, a coupling element (lens to the right of (1)) (see Fig. 5B) for alignment of the optic axis of the device for taking in the optical signals on the sensitive surface of the optical sensor, a holder (2) for the device for taking in the optical signals, a retaining device (tabs holding the lens on the right) for the coupling element, and a joint adjusting means (4) for adjusting the holder for the device for taking in the optical signals and the retaining device for the coupling element, said adjusting means comprises (see Fig. 5B) an optical bench (3) with a predetermined upper surface (11) having means for aligning (see Fig. 5B) the coupling element and the device for taking in the optical signals, the retaining device provided with a flat guiding surface (base of the lens mount) that rests on the upper surface of the optical bench, said holder surrounding (see Fig. 5B) the

Art Unit: 2878

Fig. 5A) which contacts and rests on the upper surface (11) of the optical bench, and means (11a, 11b, 20) for attaching said holder and said retaining device in a fixed position relative to each other. Regarding Claims 6 and 7, Yoshida et al. teach (see Fig. 5A and 5B) the upper surface of the optical bench having a predetermined angular position relative to the optic axis (horizontal) of the optoelectronic receiver, where the angular position of the optic axis is perpendicular or at 90° relative to said upper surface. Yoshida et al. do not teach an adjustment procedure to align the optical signals on the sensitive surface of the optical sensor. Toyama teaches a camera comprising (see Fig. 1) a device (2) for taking in optical signals, a holder (3) for the device for taking in the optical signals, an optical sensor (10a), and an adjusting means (16) for adjusting the holder for the device for taking in the optical signals, and an adjustment procedure (see Col. 3, lines 25-53) to align the optical signals on the imaging surface of a camera, wherein the holder is in a fixed position after the adjustment procedure. Regarding Claim 11, Toyama teaches means (11, 25) for generating an optical test signal (see Col. 3, lines 25-27) for self-adjustment of the optoelectronic receiver. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use an optical-signal-alignment adjustment procedure (for Claim 10) and further comprise means for generating an optical test signal for self-adjustment (for Claim 11) as taught by Toyama in the optoelectronic receiver of Yoshida et al., to provide precise focusing for images received by the optical sensor.

*Allowable Subject Matter*

4. Claim 10 is allowed over the prior art of record..

Art Unit: 2878

5. The following is a statement of reasons for the indication of allowable subject matter:  
The prior art of record does not disclose or make obvious the claimed invention, more specifically in combination with a method of making an aligned optoelectronic receiver as claimed, specifically in combination with providing a module with an optical sensor and housing, coupling element and retaining device, and passage in an optical bench for the module, placing the module in the optical bench passage, attaching the module, placing the holder with the device for taking in optical signals, inputting a test optical signal through the device for taking in optical signals, displacing the holder until a signal indicating aligned configuration is produced, and permanently attaching the holder to the optical bench through welding or gluing.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1, 6, 7, and 11-12 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2878

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Yam whose telephone number is (703)306-3441. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on (703)308-4852. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7724 for regular communications and (703)308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

SY

SY  
April 21, 2003

  
DAVID PORTA  
SUPERVISORY PATENT EXAMINER  
APR 21 2003